

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

**Minutes
April 24, 2008
1:30 p.m.**

The regular meeting of the Tennessee Alcoholic Beverage Commission was held on Thursday, April 24, 2008 in Nashville, Tennessee at 1:30 p.m. Chairman John Jones, Commissioner Cynthia Bond and Commissioner Harlan Mathews were present. Executive Director Danielle Elks and Assistant Director Carolyn Smith were present.

1. The Minutes for March 20, 2008 Commission Meeting were approved.

2. RETAIL

OLD BUSINESS

A. BRINKMAN'S WINE AND SPIRITS FRANKLIN, TENNESSEE 37067

Applicant: Vintage Pursuits, LLC
Members: Timothy and Ann Brinkman

This matter appeared before the Commission as miscellaneous item in the March, 2008 minutes.

Discussion/Action Taken:

Mr. Timothy Brinkman was present at the meeting. Director Elks reviewed the application to the Commissioners and stated that the Commission gave the staff permission to approve and issue the license if the items and documentation were forthcoming. Director Elks stated that the TABC inspection and the rules and regulations have been received by the staff, however, the Certificate of Occupancy has not been received and the license has not been issued.

Chairman Jones expressed disappointment to Mr. Brinkman that all documentation had not been submitted because at the last meeting, the Commission went through exceptional accommodations for Mr. Brinkman to have his license issued once all documentation was submitted. Chairman Jones further stated that for the record Mr. Brinkman has painted the future for anyone else that comes before the Commission and he will not vote for the issuance of a license in similar circumstances until all documentation has been received.

Director Elks reviewed the application to the Commission. Director Elks stated that she recommended approval upon submission of the Certificate of Occupancy. Commissioner Mathews made a motion to approve upon submission of the Certificate of Occupancy. Chairman Jones seconded and the motion passed with 3 ayes.

NEW BUSINESS

A. EPIFANIO'S LIQUOR AND WINES GATLINBURG, TENNESSEE (SEVIER COUNTY)

Licensee: E.B., Inc.
Stockholders: Epifanio Bordes

The two requests: (1) for a transfer of location of the retail store currently located at 611 Oak Street, River Oaks Center #1, in Gatlinburg, Tennessee; and (2) for a business name change to **EPI'S FINE WINES AND SPIRITS** were approved.

Discussion/Action Taken:

Director Elks reviewed the application to the Commissioners and recommended approval upon submission of the lease to E.B., Inc. Chairman Jones made a motion to approve upon submission of the pending documentation. Commissioner Bond seconded the motion and it was approved with 3 ayes.

Commissioner Bond made a motion to approve the name change to Epi's Fine Wines and Spirits. Commissioner Mathews seconded the motion and it passed with 3 ayes.

B. THE LIQUOR STORE DYERSBURG, TENNESSEE (DYER COUNTY)

Licensee/Seller: The Liquor Store of Dyersburg, LLC
Members: Martin Moore
Applicant: Roanne W. Burton

The request for a transfer of ownership of the retail store located at 1697 Highway 51 North, in Dyersburg, Tennessee was approved.

Discussion/Action Taken:

Director Elks reviewed the application to the Commissioners and recommended approval upon submission of the TABC Inspection, acknowledgment of the rules and regulations and the sales tax number. Commissioner Bond made a motion to approve upon submission of the pending documentation. Commissioner Mathews seconded the motion and it was approved with 3 ayes.

3. WHOLESALE

**A. TOMANI IMPORTS
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Tomani Imports, LLC
Member: David Tomani

The request for a new wholesale license to be located at 2519 Grandview Avenue, in Nashville, Tennessee was approved.

Discussion/Action Taken:

David Toman was present at the meeting. Director Elks reviewed the application to the Commissioners and recommended approval upon submission of the following documentation:

- a. TABC Inspection;
- b. Acknowledgment of the rules and regulations;
- c. Financial information for Mr. Toman as an individual (not business);
- d. Affidavit from Mr. Toman indicating length of residency in Tennessee, no disqualifying interests, and acknowledgment of segregation of Tomani Imports and BDT Beverage;
- e. Lease to Tomani Imports, LLC.

Commissioner Mathews made a motion to approve upon submission of the pending documentation. Commissioner Bond seconded the motion and it was approved with 3 ayes.

**B. UNITED LIQUORS
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Licensee:	United Liquors Corporation
Stockholders:	Lawrence Perlberg
Applicant:	TCD, Co.
Stockholders:	Georgia Crown Distributing Company

The request for a transfer of ownership of the wholesale business located at 4009 Air Park Cove in Memphis, Tennessee was approved.

Discussion/Action Taken:

Mr. Keith Riggins, Manager of United Liquors and Hank Hildebrand, III, Counsel was present at the meeting. Director Elks reviewed the application to the Commissioners and recommended approval upon submission of the following documentation:

- a. Use and Occupancy permit;
- b. TABC Inspection;
- c. Acknowledgement of the rules and regulations;
- d. List of stockholders of Georgia Crown with questionnaires.

Commissioner Bond made a motion to approve upon submission of the pending documentation. Commissioner Mathews seconded the motion and it was approved with 3 ayes.

4. DENIAL OF SERVER/EMPLOYEE PERMIT

A. KENT KLAUSER

Mr. Klauser is appealing the decision of the TABC staff to deny his application for an employee permit. TABC staff denied Mr. Klauser's application based on a 2002 conviction for the sale of alcoholic beverages to a minor. T.C.A. §57-3-703 prohibits the issuance of an employee permit to anyone who has been convicted of any violation involving the sale of alcohol to a minor within eight years of the date of the application. Issue: In previous applications submitted by Mr. Klauser and subsequent to the conviction, Mr. Klauser disclosed the conviction, and the employee permit was issued.

Discussion/Action Taken:

Director Elks stated that Mr. Klauser has withdrawn his appeal, and no additional action was required.

5. ADMINISTRATIVE CITATIONS

A. KEVIN LEAHY

On March 13 2008, TABC Agent William Gammel observed the Respondent sell an alcoholic beverage to the eighteen year-old confidential operative at the restaurant doing business as The Pier Restaurant, in Memphis, Tennessee. The Respondent checked the minor's identification, but still sold the alcoholic beverage to the minor. An administrative citation was issued, and remains unresolved at the time of this agenda.

Discussion/Action Taken:

Director Elks stated that Kevin Leahy has paid the administrative citation; therefore, no action is necessary.

- 6. BUDGET**
- 7. CONSENT ORDERS**
- 8. PENDING MATTERS LIST**
- 9. MISCELLANEOUS** – Director Elks stated that the Agent's In-service will begin on April 28, 2008 and will be held in Murfreesboro, Tennessee.
- 10. DATE OF NEXT MEETING** – Thursday, May 22 and Thursday, June 19, 2008 at 1:30 p.m.

John A. Jones

Shari Danielle Elks
Executive Director